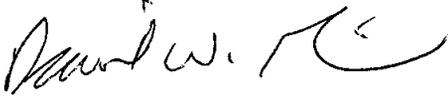


all conditions of this Certification may result in enforcement actions against Granite Construction.

Changes to the Water Quality Certification are shown as ~~strikeout~~ and bold-underlined font in the amended Water Quality Certification (Attachment A). The amendment request and supporting documentation is included as Attachment B.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Mike Porter at (858) 467-2726 or mporter@waterboards.ca.gov.

Respectfully,



David W. Gibson
Executive Officer
San Diego Regional Water Quality Control Board

cc: See Attachment 2 in the Amended Certification No. 07C-022

Attachments:

A – Amended Water Quality Certification 07C-022, dated June 12, 2010.

B – Amendment request and supporting documents, dated May 27, 2010.

Amended Certification No. 07C-022

ATTACHMENT A

AMENDED WATER QUALITY CERTIFICATION



Linda S. Adams
Acting Secretary for
Environmental
Protection

California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold
Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

Action on Request
for
AMENDED
Clean Water Act Section 401 Water Quality Certification
and
Waste Discharge Requirements
for
Discharge of Dredged and/or Fill Materials

PROJECT: City of Oceanside Beach Opportunistic
Beach Restoration Program
Water Quality Certification No. 07C-022

APPLICANT: Mr. Frank Quan
City of Oceanside
1540 Harbor Drive North
Oceanside, CA 92051-1070

WDID	9000001619
Reg. Measure	322076
Place	647860
Party	32485
Person	523449

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Programmatic Certification	<input checked="" type="checkbox"/> Waiver of Waste Discharge Requirements
<input type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

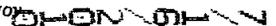
PROJECT DESCRIPTION:

The proposed project is the placement of up to 150,000-yd³ of sand per year (for no more than five years) on South Oceanside Beach for beach sand nourishment. The sand would be placed as a beach berm and as low tide mound placement. Placement would occur from September through March. Beach quality sand would be opportunistically-sourced from upland and dredging sites and stored at the City-owned El Corazon Quarry site in Oceanside until placed on the beach.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>

Recycled Paper



The sand will not contain more than 25% fine-grained sediment. The proposed sand placement site is the same site used by SANDAG for the Regional Beach Sand Project that placed 421,000-yd³ of sand during August and September of 2001.

The proposed amendment as described in the amendment request would change the grain size distribution for the beach restoration program. The sediment would contain no more than 25% of fine grained sediment. Fine grained sediment is defined as particles that are smaller than 0.74 mm. The proposed changes will also prohibit activities within 500 yards of a Western Snowy Plover breeding colony from May 1 through September 30. These changes are consistent with other RGP 67 and 401 Certifications issued for other opportunistic beach fill programs within the region.

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, the City of Oceanside must satisfy the following:

A. GENERAL CONDITIONS:

1. The City of Oceanside must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification and all subsequent submittals required as part of this certification and as described in Attachment 1. The conditions within this certification must supersede conflicting provisions within such plans submitted prior to the certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or certification amendment.
2. During construction activities, the City of Oceanside must maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.
3. The City of Oceanside must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this certification.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification.
 - d. Sampling of any discharge or surface water covered by this Order.
4. The City of Oceanside must notify the Regional Board within **24 hours** of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.
5. The City of Oceanside must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
6. This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. The City of Oceanside must notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser with a copy of the Section 401 Water

Quality Certification and that the purchaser understands the permit requirements and must implement them; the seller and purchaser must sign and date the notification. The notification for transfer of mitigation responsibility must include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification. Notification must be provided within 10 days of the sale of the property.

7. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
8. In response to a suspected violation of any condition of this certification, the Regional Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
9. In response to any violation of the conditions of this certification, the Regional board may add to or modify the conditions of this certification as appropriate to ensure compliance.
10. The City of Oceanside and successor owners must submit annual progressive reports to the Regional Board prior to August 1 of each year following the issuance of this certification until the project has reached completion.
11. Certification 07C-022 expires 5 years from issuance.

B. PROJECT CONDITIONS:

1. Prior to the start of the project, and annually thereafter, the City of Oceanside must educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and Best Management Practices implementation and maintenance.
2. The City of Oceanside must comply with the requirements of Regional Board Resolution No. R9-2007-0104, Conditional Waiver 6.I.A. - Discharges of Dredged or Fill Materials Nearby or Within Surface Waters. These waivers of

Waste Discharge Requirements are accessible at:
[http://www.waterboards.ca.gov/sandiego/board decisions/waivers/index.shtml](http://www.waterboards.ca.gov/sandiego/board%20decisions/waivers/index.shtml)

2. The City of Oceanside must notify the Regional Board in writing at least 5 days prior to the actual commencement of dredge, fill, and discharge activities.
3. The City of Oceanside must comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
4. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
5. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
6. The City of Oceanside must submit a notification to the Regional Board within 30 days of completion of the project. The final report should include photos of the completed project.

C. PLACEMENT OF SEDIMENT

The proposed project must be implemented as described in the application, with the exception of limiting the discharge of fine-grained material to 25% or less. The proposed project must place not more than 150,000 cubic yards of sediment per year over a five year period. The sediment must not form a hardpan after placement. The sediment that will be placed on the beach must have less than 10% sand difference from the receiving beach and no negative aesthetic impact on the receiving beach or water.

1. Sediment Quality

All sediment must be tested for hazardous wastes and material, and grain size distribution. All sediment that has potential sources of biostimulatory substances and bacteria, must be tested for biostimulatory substances and bacteria.

a. *Biostimulatory Substances*

The sediment must not contain biostimulatory substances in concentrations that exceed natural background levels.

b. *Hazardous Wastes and Material*

The sediment must not contain hazardous wastes or materials.

c. *Bacteria*

The sediment must not contain bacteria concentrations that affect the beneficial uses of the waters of the United States and/or State.

d. *Grain Size*

The sediment must contain no more than ~~40~~ **25**% of fine grained sediment. Fine grained sediment is defined as particles that are smaller than 0.074 millimeters or pass through the #200 sieve.

e. *Trash*

The sediment must be free of trash and debris.

f. *Color*

The sediment must reasonable match the color of natural beach sand after exposure to the marine environment.

2. Discharge/Compliance with Water Quality Control Plan

Discharges must comply with the California Ocean Plan and the Regional Board's Water Quality Control Plan (Basin Plan).

3. Protection of biological resources

a. *California grunion (Leuresthes tenuis)*

The project proposes to place sediment on the beach from March 1 to May 31; therefore the City of Oceanside must determine beach habitat suitability for grunion spawning. The applicant must comply with the Special Condition No. 6 of the Regional General Permit 67 - Beach Nourishment in Southern California with respect to protecting grunion (Corps File No. 200401896-JLB).

- ii. All equipment engines must be maintained in good condition, in proper tune (according to manufacturer's specifications), and in compliance with all State and federal requirements.
- iii. All operations must be conducted in compliance with County Air Quality Management District requirements.

b. Hazardous Materials Management

- i. The Transport and Discharge Operations Plan must include a "Spill Prevention, Containment and Countermeasures Plan" that specifies fueling and equipment maintenance procedures to prevent spills and leaks, and containment and cleanup measures to be followed in the event of a spill.
- ii. All equipment must be inspected for leaks immediately prior to the start of beach operations, and regularly inspected thereafter until project completion. Vehicles with leaks must not enter the beach area.
- iii. Equipment must be cleaned and repaired (other than emergency repairs) at least 500 feet from the high tide line. All contaminated water, sludge, spill residue, or other hazardous compounds will be disposed of at a lawfully authorized designation.

5. Qualitative Monitoring

Qualitative (visual) turbidity monitoring by an onshore observer from a high vantage point must be conducted during each day of construction (placement) and must not be greater than ambient beyond one-half mile offshore at or downcoast of the placement site. If visual monitoring indicates turbidity greater than ambient one-half mile from the discharge site (either offshore or downcoast) at any time for two (2) consecutive days, then:

- a. The monitor must immediately advise the Regional Board, Corps, and CDFG.
- b. The City of Oceanside must comply with any measures identified by the Regional Board, in consultation with other responsible agencies as appropriate, to mitigate project-related turbidity, including modifying or halting discharge.
- c. If turbidity persists on the third day, the monitor must commence daily water clarity testing and reporting to the Regional Board, Corps, and

CDFG. Testing must consist of measuring transmission of light through the water using a turbidity meter. Daily testing must continue until no project-related turbidity is detectable (i.e., until offshore and downcoast readings return to ambient). Testing must be designed to document the areal extent and concentration of the turbidity plume at the time of day it is most developed, and must include at least: samples taken as close as practicable to the discharge site, one-half mile upcoast of the discharge site, one-half mile offshore from the discharge site, and one-half mile downcoast of the discharge site (minimum four samples). Sampling must be done at mid-depth in the water column. These sampling protocols may be modified with the Regional Board's written approval. The City of Oceanside must document logistical arrangements for such potential water quality sampling and must include draft quality assurance/quality control protocols.

- d. If turbidity is greater than ambient one-half mile from the discharge site (either offshore or downcoast) for five (5) consecutive days, the discharge must be halted or modified to reduce turbidity.

6. Quantitative Monitoring

Physical (grain size) testing shall be performed during beach placement to confirm the percentage of fine grained material (%passing the #200 sieve) being placed on the beach is within allowable limits. Samples shall be collected on the first and third days of beach placement during each week. During each sampling event, three samples will be collected from newly placed piles on the receiving beach, which will be composited together and tested. Results of the sampling will be included in the post construction report.

D. MITIGATION

The project is self-mitigating as the project will restore sand-based marine habitats, and recreational opportunities.

E. PHOTO DOCUMENTATION PROCEDURE:

The City of Oceanside, and its successors, must conduct photo documentation of project site, including all areas of permanent and temporary impact, prior to and after construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo-documentation must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment 5. In addition, photo documentation must include Global Positioning System

(GPS) coordinates for each of the photo points referenced. The City of Oceanside must submit this information in a photo documentation report to the Regional Board with the Monitoring reports. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar). For this project, adequate photo documentation can be substituted for the photo documentation required for the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure.

F. GEOGRAPHIC INFORMATION SYSTEM REPORTING:

1. The City of Oceanside must submit Geographic Information System (GIS) shape files of the impact and mitigation areas within **30 days** of project impacts and the mitigation area within **30 days** of mitigation installation. All impact and mitigation areas shapefiles must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

H. REPORTING:

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All reports and information submitted to the Regional Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
3. The City of Oceanside must submit a report to the Regional Board within 30 days of completion of the project. The report should include as-built drawings no bigger than 11" x 17" and photos of the completed project including post construction BMPs.
4. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:
 - a. For a corporation, by a responsible corporate officer of at least the level of vice president
 - b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

5. A duly authorized representative of a person designated in Items 4.a. through 4.c. above may sign documents if:
 - a. The authorization is made in writing by a person described in Items 4.a. through 4.c. above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the Regional Board' Executive Officer.

6. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

7. The City of Oceanside must submit reports required under this certification, or other information required by the Regional Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. 08C-078
9174 Sky Park Court, Suite 100
San Diego, California 92123

8. Required Reports: The following list summarizes the reports, including spill notifications and emergency situations, required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Unauthorized Discharges	A.4.	Within 24 hours of unauthorized discharge
Annual Progress Reporting	A.10	Prior to December 1 of each year until the project is complete
Notification	B.3	At least 5 days prior to commencement of construction
Notification	B.7	Within 30 days of completion of the project
Final Report	B.7	After post construction monitoring is completed.
Sampling and Analysis Plan	C.	Approval needed before each placement
Photo Documentation	E.1	With monitoring reports
GIS shapefiles	F.1	Annually

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On March 12, 2007 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public. No comments were received from the public.

On June 16, 2010 receipt of the amendment request was posted on the Regional Board web site to serve as appropriate notification to the public.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Mike Porter
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-467-2726
mporter@waterboards.ca.gov

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Mr. Frank Quan
City of Oceanside
1540 Harbor Drive North
Oceanside, CA 92051-1070
Telephone: 760-435-4007
Fax: 760-757-1726
Email: FQuan@ci.oceanside.ca.us

Applicant Representatives: Mr. Brian Leslie
Coastal Scientist
Moffat & Nichol
1660 Hotel Circle North, Suite 200
San Diego, CA 92108
Telephone: 619-200-6050
Fax: 619-200-6055
Email: bleslie@moffatnichol.com

Project Name: City of Oceanside Beach Opportunistic Restoration Program.

Project Location: The proposed project is located on Oceanside Beach, within the City of Oceanside, north-coastal San Diego County.

Type of Project: Placement of opportunistically derived sediment for beach restoration.

Project Description: The proposed project is the placement of up to 150,000-yd³ of sand per year (for no more than five years) on South Oceanside Beach for beach sand nourishment. The sand would be placed as a beach berm and as low tide mound placement. Placement would occur from September through March. Beach-quality sand would be opportunistically sourced from upland and dredging sites and stored at the City-owned El Corazon Quarry site in Oceanside until placed on the beach. The sand will not contain more than 25% finegrained sediment. The proposed sand placement site is the same site used by SANDAG for the Regional Beach Sand Project that placed 421,000-yd³ of sand during August and

September of 2001.

The proposed amendment as described in the amendment request would change the grain size distribution for the beach restoration program. The sediment would contain no more than 25% of fine grained sediment. Fine grained sediment is defined as particles that are smaller than 0.74 mm. The proposed changes will also disallow activities to be conducted within 500 yards of a Western Snowy Plover breeding colony from May 1 through September 30. These changes are consistent with other RGP 67 and 401 Certifications issued for other opportunistic beach fill programs within the region.

Federal
Agency/Permit:

U.S. Army Corps of Engineers § 404 and § 10, Mr. Robert Smith.

Other Required
Regulatory Approvals:

California Coastal Commission. Coastal Development Permit, Mr. Lee McEachern.

California State Lands Commission. Lease of State Lands, Mr. Ken Foster.

California
Environmental Quality
Act (CEQA)
Compliance:

Final Mitigated Negative Declaration, San Compatibility & Opportunistic Use Program (SCOUP) Pilot Project Site, City of Oceanside, prepared by EDAW, Inc., November 2005, State Clearing House Number #2005081136.

Receiving Waters:

Pacific Ocean.

Impacted Waters of
the United States

The proposed project will temporarily impact ~5.8 acres (4,800 linear feet) to coastal waters of the U.S.

Dredge Volume:

None proposed.

City of Oceanside Beach Opportunistic
Beach Restoration Program

Amended Certification
No. 07C-022

Related Projects
Implemented/to be
Implemented by the
Applicant(s):

The proposed sand placement site is the same site used by SANDAG for the Regional Beach Sand Project that placed 421,000-yd³ of sand during August and September of 2001.

Compensatory
Mitigation:

The project is self-mitigating as the project will restore sand based marine habitats, and recreational opportunities, therefore compensatory mitigation is not proposed.

Best Management
Practices (BMPs):

During construction, the following BMPs for the project must include, but not be limited to:

- All trucks hauling sand or other loose materials shall be covered or required to maintain at least two feet of freeboard.
- All equipment engines shall be maintained in good condition, in proper tune (according to manufacturer's specifications), and in compliance with all State and federal requirements.
- All operations shall be conducted in compliance with County Air Quality Management District requirements.
- The Transport and Discharge Operations Plan shall include a "Spill Prevention, Containment and Countermeasures Plan" that specifies fueling and equipment maintenance procedures to prevent spills and leaks, and containment and cleanup measures to be followed in the event of a spill.
- All equipment shall be inspected for leaks immediately prior to the start of beach operations, and regularly inspected thereafter until project completion. Vehicles with leaks shall not enter the beach area.
- Equipment shall be cleaned and repaired (other than emergency repairs) at least 500 feet from the high tide line. All contaminated water, sludge, spill residue, or other hazardous compounds will be disposed of at a lawfully authorized designation.

Public Notice:

On March 12, 2007, receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

City of Oceanside Beach Opportunistic
Beach Restoration Program

Amended Certification
No. 07C-022

Fees: Total Due: \$500.00
Total Paid: \$500.00 (Check No. 91205)

Amendment Fees: None

**ATTACHMENT 2
DISTRIBUTION LIST**

Mr. Robert Smith
U.S. Army Corps of Engineers
San Diego Field Office
Robert.R.Smith@spl01.usace.army.mil

Mr. Eric Raffini
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

U.S. Department of the Interior
Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

Mr. Brian Leslie,
Coastal Scientist
Moffat & Nichol
bleslie@moffatnichol.com

Amended Certification No. 07C-022

ATTACHMENT B

AMENDMENT REQUEST No. 1

WITH

SUPPORTING DOCUMENTS, DATED MAY 27, 2010



1660 Hotel Circle North, Suite 500
San Diego, CA 92108
(619) 220-6050
Fax (619) 220-6055

paper

May 27, 2010

David Gibson
Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

2010 MAY 27 A 10:05
SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

RE: Amendment Request for Water Quality Certification No. 07C-022 for the City of Oceanside Opportunistic Beach Restoration Program.

Mr. Gibson

The applicant would like to request an amendment to Water Quality Certification No. 07C-022. Project conditions currently included within the certification are believed to potentially hinder the success of the City's program. The applicant proposes the following revisions to the 401 Certification in strike-out / underline format:

Additional Conditions

C.1.d. Grain Size

The sediment must contain no more than ~~40~~25% of fine grained sediment. Fine grained sediment is defined as particles that are smaller than 0.74 mm or pass through the #200 sieve.

Justification for request - The program wishes to place materials with up to 25% fines. The certification correctly states this project description detail elsewhere and this change would make this condition consistent with the remainder of the certification.

C.3.c. Western Snowy Plover

No activities authorized under this certification will be conducted within ~~5000~~500 yards of a Western Snowy Plover breeding colony from May 1 through September 30.

Justification for request - The applicant would like to be consistent with the conditions of RGP 67 and 401 Certifications issued for other opportunistic beach fill programs within the region.



1660 Hotel Circle North, Suite 500
San Diego, CA 92108
(619) 220-6050
Fax (619) 220-6055

Thank you for considering this 401 Certification amendment. Please feel free to contact me at (619) 220-6050 with any questions regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Leslie'.

Brian Leslie
Moffatt & Nichol

CC: Frank Quan, City of Oceanside

Mike Porter - RE: City of Oceanside OBFP 401 Certification Amendment

From: "Leslie, Brian" <bleslie@moffattnichol.com>
To: "Mike Porter" <MPorter@waterboards.ca.gov>
Date: 5/27/2010 09:52
Subject: RE: City of Oceanside OBFP 401 Certification Amendment
CC: "Frank Quan" <FQuan@ci.oceanside.ca.us>, "Chiara Clemente" <CClemente@waterboards.ca.gov>
Attachments: City of Oceanside 401 Amendment Request.pdf

Hi Mike,

Please see the attached amendment request.

Thanks,

Brian Leslie
Coastal Scientist
Moffatt & Nichol
1660 Hotel Circle North - Suite 500
San Diego, CA 92108
P: 619.220.6050
F: 619.220.6055

From: Mike Porter [mailto:MPorter@waterboards.ca.gov]
Sent: Wednesday, May 26, 2010 1:36 PM
To: Leslie, Brian
Cc: Frank Quan; Chiara Clemente
Subject: Re: City of Oceanside OBFP 401 Certification Amendment

Yes, I see the mistakes that I made. Even though I made the mistakes, please send in a simple letter to our EO requesting an amendment and why. There will be no amendment fee for this and it will have to be publically-noticed for 21 days before we can make any changes to the Cert.

Thanks, Mike

>>> On 5/26/2010 at 10:53 AM, in message <836A1ECE3814AD45AC53F26C355A3BE0BB5073@mnexs1.mne.net>, "Leslie, Brian" <bleslie@moffattnichol.com> wrote:

Hi Mike,

We received the 401 Certification for the City's Opportunistic Beach Fill Program in the mail. Thanks for processing this permit. I found a couple of errors through a review of the permit that we would like to request be revised (see attached). These revisions would be consistent with other 401 Certifications within the region.

Thanks,

Brian Leslie
Coastal Scientist
Moffatt & Nichol
1660 Hotel Circle North - Suite 500
San Diego, CA 92108
P: 619.220.6050
F: 619.220.6055

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Frank Quan
 City of Oceanside
 1540 Harbor Dr. North
 Oceanside, CA
 92051-1070

2. Article Number

7010 1060 0000 4952 5392

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

PS Form 3811, February 2004 9-13

Domestic Return Receipt

m. Porter

102595-02-M-1540

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PS Form 3800, August 2006

See Reverse for Instructions

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